

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

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|--|---|-------------------------------------|
| Brian Sprinkle, #209990, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| vs. |) | Civil Action No.: 3:08-3912-TLW-JRM |
| |) | |
| Warden Livesay Correctional Institution, |) | |
| |) | |
| Respondent. |) | |
| |) | |

ORDER

On December 10, 2008, the petitioner, Brian Sprinkle (“petitioner”), proceeding *pro se*, filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. (Doc. #1). On May 12, 2009, the respondent filed a motion for summary judgment. (Doc. #19). The petitioner filed a response in opposition on May 18, 2009. (Doc. #23). The case was referred to Magistrate Judge Joseph R. McCrorey pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 (B)(2)(c), DSC.

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by the Magistrate Judge to whom this case had previously been assigned. (Doc. #25). On November 12, 2009, the Magistrate Judge issued the Report. In the Report, the Magistrate Judge recommends that the respondent’s motion for summary judgment be granted and that the petition be dismissed without an evidentiary hearing. (Doc. #25). The petitioner filed no objections to the report. Objections were due on December 4, 2009.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge’s Report and Recommendation to which a specific objection is registered, and may accept,

reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The Court has carefully reviewed the Magistrate Judge's Report and Recommendation. It is hereby **ORDERED** that the Magistrate Judge's Report and Recommendation is **ACCEPTED**. (Doc. #25). For the reasons articulated by the Magistrate Judge, the respondent's motion for summary judgment, (Doc. #19), is hereby **GRANTED**, and the petition in this case is **DISMISSED**.

IT IS SO ORDERED.

s/Terry L. Wooten
United States District Judge

January 29, 2010
Florence, South Carolina